

IN THE MATTER OF THE
THE APPLICATION OF
Wang and Kuen Oh
FOR A SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCES ON
PROPERTY LOCATED ON THE EAST
SIDE ANNAPOLIS ROAD, 150'
SOUTH OF C/L OF MICHIGAN AVE.
(4107 ANNAPOLIS ROAD)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-30-SPHXA

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner denying the Appellants a Special Hearing, Special Exception, and Variances for a service garage located at 4107 Annapolis Road in the First Councilmanic District of Baltimore County. The subject site in a B.L. zone is adjacent to an existing body and fender shop at 4105 Annapolis Road. Known as Bob's Body Shop, the garage exists under a special exception originally granted in 1972.

Since acquiring the service garage at 4105 Annapolis Road in 1986, and the subject property in 1989, also in a B.L. zone, the body repair activities of the service garage have flourished and spilled over onto the open area of 4107 Annapolis Road, and to some degree, the side streets of the neighborhood.

The subject property of .145 acre contains a one-story residence and two garage-type structures at the rear of the property.

Protests from the Baltimore Highlands Community Association point to the overcrowded properties and parking violations. Since the denial by the Zoning Commissioner on October 16, 1990, Counsel for the Appellants has presented a revised plat for the subject property in order to remove objections by the community; to comply

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Case No. 91-30-SPHXA Wang and Kuen Oh

with County regulations; and to be granted the particular petitions of this appeal.

The revised plat was reviewed by the Appellant, Mr. Kuen Oh, specifying the recently completed installation of a 7-foot high screened, chainlink fence with a sliding gate. The fence extends across the front property line of 4105 Annapolis Road and approximately 15 feet of the front property line of 4107 Annapolis Road, from which point the fence is connected to the one-story residence. The revised plat establishes a fence enclosed compound for the body and fender operations.

The total area of the two properties (.311 acre) is thereby bounded by screened fencing that practically shields from view the service area, except for the open sliding gate at the entrance.

Testimony by Mr. Oh acknowledged that the east side and rear yard area of the subject property (4107 Annapolis Road) is to be used solely for parked vehicles involved in body repair procedures. A 1-1/2 story open-sided building with three parking spaces is to be used for parking, and not body-fender repairs. Also specified in the revised plat is the request for three parking spaces on the concrete yard to the front of the residence for employee parking. A driveway along the west side of the residence is designated for the tenant's vehicles. Mr. Oh further testified that the hours for the shop are from 8:00 a.m. to 5:30 p.m. and involve five employees.

Mr. Derek Propolis, investigator for the Office of Planning & Zoning, testified that the granting of the petitions requested in this appeal could lead to the elimination of violations, citations for which the Zoning Office has withheld pending the outcome of

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this case.

People's Counsel for Baltimore County gave indication of support for the granting of the petitions based on efforts between community representatives and the Appellants to resolve objections and correct violations. There were no protestants at the hearing.

This Board has considered carefully the testimony and exhibits in this case and is especially cognizant of the concerns of the Baltimore Highlands Community Association. We also recognize the fact that a long-existing body repair shop is prospering under the management of the appellants, but in violation of regulations and with some detriment to the community. The revised plat presented for the service garage operations on the two properties at 4105 and 4107 Annapolis Road shows the potential for a conforming utilization under zoning regulations. However, there were some omissions or oversights in the presentation in regard to continued overcrowding of the land and safety as defined in the regulations of Section 502.1 of the Baltimore County Zoning Regulations.

Some responses and explanations by the Appellant to questions were at times unclear or inconclusive as to the manner the subject site would be utilized. Language understandings and comprehension of the purpose and application of regulations by the owners may have contributed to past violations. The present operations of Bob's Auto Shop give indication that zoning regulations may be considered an impediment and are not followed seriously in view of pending citations from the Zoning Office.

The plan and the testimony given reveal a crowded parking area with no turn-around room for vehicles. It appears similar to a downtown parking lot where attendants have to shift and relocate

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Case No. 91-30-SPHXA Wang and Kuen Oh

vehicles for one to exit or enter. Furthermore, the owner's present system of parking vehicles prevents an open lane of access from the entrance at Annapolis Road to the buildings of the body repair operation. Having only one place of entry, this is a vital consideration in the event of emergency vehicles called to the location.

Compounding the difficulties of the operation is the problem of traffic and safety. For vehicles to depart the fenced compound of congested vehicles, it is apparent that drivers must back out onto a heavily-travelled state highway, with a restricted sight line.

As reviewed above, the authorized use of 4107 Annapolis Road for a service garage through the granting of a Special Exception with restrictions should enable a regulated, controlled and efficient service garage, but only with the requested variances. As stated in McLean v. Soley, 270 MD. 208, 1973, an area variance may be granted when the strict application of the zoning regulations would cause practical difficulty to the petitioner and his property. In this case, the requested variances are vital to the continuation of a service garage by the appellants on their primary location at 4105 Annapolis Road.

The plan has the elements for satisfying the standards of Section 502.1 (BCZR) and the special exception provided the management adheres to a strict procedure for limiting and locating parked vehicles.

Therefore, this Board is of the opinion that the Special Hearing/Special Exception for a service garage be approved, as well as the requested Variances.

Case No. 91-30-SPHXA Wang and Kuen Oh

ORDER

IT IS THEREFORE this 13th day of August, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing to amend the original Special Exception (1972) be and the same is GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a service garage on the properties be and the same is GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variances to permit a 9-foot side yard and 24-foot front yard in lieu of 10 feet and 25 feet (for existing residence); 16 feet between buildings in lieu of 40 feet; and 8-foot rear yard in lieu of 20 feet (for garage); a gravel surface in lieu of durable-dustless; a 3.5-foot parking space to street right of way setback in lieu of 10 feet; and an insufficient back-up area in lieu of sufficient for off-street parking in accordance with Petitioner's Exhibit No. 1, be and the same are hereby GRANTED, subject to the following restrictions to take effect thirty (30) days after the issuance of this Order:

1. No abandoned, disabled, junked, or untagged vehicles shall be stored on the premises.
2. The one and one-half story open-sided building on 4107 Annapolis Road will not be used for service or repairs but solely as a location for parked vehicles.
3. Body and fender repair work is permitted only within the garage buildings.
4. All scrap metal and refuse shall be placed in a pick-up container positioned in a designated location, readily available for removal.
5. A 15-foot side lane of access must be provided and maintained at all times from the Annapolis Road entrance to the service garage buildings located at the rear of the

Case No. 91-30-SPHXA Wang and Kuen Oh

property.

6. One parking space outside each side of the front gate of the property shall be designated and reserved for customer parking.
7. No vehicles shall be parked on the sidewalk fronting the property.
8. All stone-paving surface must be treated or added to no less than once a year in accordance with control of airborne particulate regulations and policy of DEPRM.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sager, Acting Chairman

Harry E. Buchheister, Jr.

John G. Disney

IN RE: PETITIONS FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
E/S Annapolis Road, 150 ft. S
of C/L of Michigan Avenue
4107 Annapolis Road
13th Election District
1st Councilmanic District
Wang and Kuen Oh
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 91-30-SPHXA

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioners herein request Petitions for Special Exception to use the herein described property for a service garage; Special Hearing to amend the existing Special Exception in case No. 73-20-XA; Zoning Variances from Section 1B02.3.C.1, 232.1, 232.3.b, 102.2, 409.8.A.2, 409.8.A.4., 409.8.A.5 to permit a 9 ft. side yard and 24 ft. front yard in lieu of 10 ft. and 25 ft. (for existing residence), 16 ft. between buildings in lieu of 40 ft., and 8 ft. rear yard in lieu of 20 ft. (for garage), a gravel surface in lieu of durable-dustless, a 3.5 ft. parking space to street R/W setback in lieu of 10 ft. and an insufficient back-up area in lieu of sufficient for off-street parking, as more particularly described on Petitioners' Exhibit No. 1

The Petitioner, Wang Oh, appeared and testified and was represented by Jeffrey S. Chernow, Esquire. Appearing as Protestants were Catherine Owings, Charles F. Owings and Florence B. Knott, representing the President of Greater Baltimore Highlands Community Association.

Testimony indicated that the subject property, known as 4107 Annapolis Road consisting of .145 acres +/-, zoned B.L., is the Petitioner's body and fender repair business. Testimony indicated that the Petitioner has been operating for approximately 20 years and desires to remain in this community.

The Petitioner testified that, in view of his growing business, he is desirous of expanding his operation onto the adjacent property known as 4107

OFFICE RECEIVED FOR FILING
Date 8/17/91
By [Signature]

OFFICE RECEIVED FOR FILING
Date 8/17/91
By [Signature]

Annapolis Road which is improved with a one story brick and block garage. The Petitioner testified that his normal business hours are 8:00 A.M. to 5:30 P.M. and that he employs five individuals on the subject site.

The Petitioner indicated that should the requested variances be granted, he would agree to screening the property along Annapolis Road.

Mrs. Catherine Owings testified that, in her opinion, Mr. Oh's business has outgrown the subject site and that his operation has become an eyesore for the surrounding residential community.

Mrs. Florence Knott testified on behalf of the Greater Baltimore Highlands Community Association and essentially concurred with Mrs. Owings comments indicating that Mr. Oh's property gives the appearance as a parking lot for disabled vehicles which is an incompatible use for this community.

It is clear that the Baltimore County Zoning Regulations (B.C.Z.R.) permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances clearly establishes that the proposed use of this particular location described by the Petitioner and indicated in Protestants' Exhibit No. 1 would have an adverse impact on this community if the relief were granted.

Testimony clearly indicated that the Petitioner's proposed use will overcrowd the land and cause undue concentration of population in this community (Section 502.1.d of the B.C.Z.R.).

After reviewing all of the evidence and testimony presented, it is clear that the Petition for Special Exception and Special Hearing should be denied.

The Petitioner has also requested the aforementioned variance relief.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioner was in support of a matter of a preference rather than of the necessity for the variance. The Petitioner has failed to show

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that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County, this 16th day of October, 1990 that Petitions for Special Exception to use the herein described property for a service garage; Special Hearing to amend the existing Special Exception in case No. 73-20-XA; Zoning Variances from Section 1B02.3.C.1, 232.1, 232.3.b, 102.2, 409.8.A.2, 409.8.A.4., 409.8.A.5 to permit a 9 ft. side yard and 24 ft. front yard in lieu of 10 ft. and 25 ft. (for existing residence), 16 ft. between buildings in lieu of 40 ft., and 8 ft. rear yard in lieu of 20 ft. (for garage), a gravel surface in lieu of durable-dustless, a 3.5 ft. parking space to street R/W setback in lieu of 10 ft. and an insufficient back-up area in lieu of sufficient for off-street parking, in accordance with Petitioner's Exhibit No. 1, is hereby DENIED.

JRH:mmn
cc: Peoples Counsel

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 587-3353
J. Robert Haines
Zoning Commissioner

October 5, 1990



Dennis F. Baumgarten
County Executive

Jeffrey S. Chernow, Esquire
6 Park Center Court, Suite 100
Owings Mills, Maryland 21117

RE: Petitions for Special Exception, Special Hearing and Zoning Variance
Wang and Kuen Oh, Petitioners
Case #91-30-SPHXA

Dear Mr. Chernow:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception, Special Hearing and Zoning Variances have been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
att.
cc: Peoples Counsel
cc: Protestants

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **91-30-SPHXA**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve amending the existing Special Exception in Case #73-20-XA.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
Jeffrey S. Chernow, Esquire
(Type or Print Name)
Signature
6 Park Center Court, Suite 100
Address
Owings Mills, Maryland 21117
City and State
Attorney's Telephone No.: (301) 581-1400

Legal Owner(s):
WANG OH
(Type or Print Name)
Signature
KUIEN OH
(Type or Print Name)
Signature
4107 Annapolis Road
Address
Baltimore, Maryland 21227
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Jeffrey S. Chernow, Esquire
Name
6 Park Center Court, Suite 100
Address
Owings Mills, Maryland 21117
City and State
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11 day of July, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18 day of Sept, 1990, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

E.C.O.-No. 1

(over)

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **91-30-SPHXA**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.C.1, 232.1, 232.3.b, 102.2, 409.8.A.2., 409.8.A.4., and 409.8.A.5, to permit a 9 ft. side yard & 24 ft. front yard in lieu of 10 ft. & 25 ft. (for existing residence), 16 ft. between buildings in lieu of 40 ft., an 8 ft. rear yard in lieu of 20 ft. (for garage), a gravel surface in lieu of durable-dustless, a 3.5 ft. parking space to street R/W setback in lieu of 10 ft. and an insufficient back-up area in lieu of sufficient for off-street parking, in accordance with the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
Jeffrey S. Chernow, Esquire
(Type or Print Name)
Signature
6 Park Center Court, Suite 100
Address
Owings Mills, Maryland 21117
City and State
Attorney's Telephone No.: (301) 581-1400

Legal Owner(s):
WANG OH
(Type or Print Name)
Signature
KUIEN OH
(Type or Print Name)
Signature
4107 Annapolis Road
Address
Baltimore, Maryland 21227
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Jeffrey S. Chernow, Esquire
Name
6 Park Center Court, Suite 100
Address
Owings Mills, Maryland 21117
City and State
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11 day of July, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18 day of Sept, 1990, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

KIDDE CONSULTANTS, INC.

DESCRIPTION
BALTIMORE HIGHLANDS
LOTS 4 & 5
BLOCK 2 PLAT 2
13TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point in the easterly right of way line of Annapolis Road, 40 feet wide, said point being 135.41 feet from the intersection of the easterly right of way of said Annapolis Road and the southerly right of way of Michigan Avenue; thence leaving said right of way and binding on the southerly property line of Lot 6, Block 2 of Plat 2 entitled, "Baltimore Highlands", and recorded among the Plat Records of Baltimore County, Maryland in Plat Book W.P.C. 3 at Folio 2

- (1) easterly 133.37 feet to intersect the westerly right of way of an alley, 10 feet wide; thence binding on said right of way
- (2) southerly 50.00 feet; thence leaving said right of way and binding on the northerly property line of Lot 3 of said plat
- (3) westerly 118.80 feet to intersect the easterly right of way of said Annapolis Road; thence binding on said right of way
- (4) northerly 52.08 feet to the place of beginning.

CONTAINING 6,304 square feet of land, more or less.

BEING all of the same as Lots 4 and 5, Block 2, Plat 2, entitled, "Baltimore Highlands", as recorded among the Plat Records of Baltimore County, Maryland in Plat Book W.P.C. 3 at Folio 2.

RSP/pek KCI Job Order No. 01-90063 May 1, 1990
Work Order No. 54634C

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **91-30-SPHXA**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a service garage.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
Jeffrey S. Chernow
(Type or Print Name)
Signature
6 Park Center Court, Suite 100
Address
Owings Mills, Maryland 21117
City and State
Attorney's Telephone No.: (301) 581-1400

Legal Owner(s):
WANG OH
(Type or Print Name)
Signature
KUIEN OH
(Type or Print Name)
Signature
4107 Annapolis Road
Address
Baltimore, Maryland 21227
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Jeffrey S. Chernow, Esquire
Name
6 Park Center Court, Suite 100
Address
Owings Mills, Maryland 21117
City and State
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11 day of July, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18 day of Sept, 1990, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

E.C.O.-No. 1

(over)

KIDDE CONSULTANTS, INC.


LEGAL DESCRIPTION
LOTS 4, 5, 6 AND 7
BLOCK 2 - PLAT NO. 2
BALTIMORE HIGHLANDS
13TH ELECTION DISTRICT - BALTIMORE COUNTY, MD.

- BEGINNING FOR THE SAME at a point on the easterly right of way line of Annapolis Road, 40 feet wide, at the line of division between Lot 7 and Lot 8, Block 2, as shown on "Plat No. 2 of Baltimore Highlands" which is recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. 3 Folio 2; thence binding on said line of division
- (1) easterly 147.94 feet to the westerly right of way line of an alley, 10 feet wide, as shown on said plat; thence binding thereon
 - (2) southerly 100.00 feet to the line of division between Lot 3 and Lot 4; thence binding on said line of division
 - (3) westerly 118.80 feet to the easterly right of way line of Annapolis Road; thence binding thereon
 - (4) northerly 104.16 feet to the place of beginning.

CONTAINING 13,337 square feet of land, more or less.

BEING all of Lots 4, 5, 6 and 7, Block 2 as shown on "Plat No. 2 of Baltimore Highlands" which is recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. 3 Folio 2.

RLC KCI Job Order No. 01-90063 June 21, 1990
Work Order No. 54634C

 **Baltimore County**
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

91-30

Account: R 001 5150
Number

receipt
No 3431

Date 07/18/90

RP190018

PUBLIC HEARING FEES	000	000
POSTING SIGNS / ADVERTISING	1	164.50
TOTAL:		164.50
LAST NAME OF OWNER: WEINBERG		

06A04B06G6MECHRC
BA 0610-02A009-10-90

164.50

Cashier Validation: Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-30-SPHXD

District. 19th Date of Posting August 27, 1966

Posted for: Special Hearing, Special Hearing and Review

Petitioner: Wang and Kuehn

Location of property: 635 Arnapack Road, 150' S of W of Midway Avenue, 1407 Arnapack Road


Location of Signs: East side of Arnapack Road in front of subject property

Remarks:

Posted by: J. J. Grato Date of return: August 31, 1966

Signature

Number of Signs: 3


	Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204	Account: R 001 6150 Number:	receipt NE 3950
	Date	# 91-30-SPHX A A9100033	

<u>12/31/90</u>	
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APPEAR FEES	QTY	PRICE
120 - OF A SPECIAL EXC. ORDER	1 X	\$15.00
100 - OF ALL OTHER ORDERS	1 X	\$15.00
150 - POSTING CHARGES / ADVERTISING	1 X	\$20.00
		TOTAL:
		\$40.00

LAST NAME OF ORDER: CHAS **OM**

6150-0033CHRC \$450.00
 BA 003746FRI 21-9D
 BALT COUNTY BUSINESS DAY

		Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204	
Date		9/18/90	
PUBLIC HEARING FEES		QTY	PRICE
OBO -POSTING SIGNS / ADVERTISING 1 X			\$164.50
TOTAL:			\$164.50
LAST NAME OF OWNER: WEINBERG			
Please make checks payable to:		Baltimore County	
04A04#096601CHRC		\$164.50	
6A 0018152#09-18-90			
Receipt			
Account: R.001.6150		Ne 3431	
Number			

**Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353**

**J. Robert Haines
Zoning Commissioner**

July 19, 1990

NOTICE OF HEARING

**Dennis F. Rasmussen
County Executive**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 91-30-SHXA
E/S Annapolis Road, 150' S of c/l of Michigan Avenue
4107 Annapolis Road
13th Election District - 1st Councilmanic
Petitioner(s): Wang and Kuen Oh
HEARING: TUESDAY, SEPTEMBER 18, 1990 at 11:00 a.m.

Special Hearings: Amending the existing Special Exception in Case 7320-XA.
Special Exceptions: A service garage.
Variance: To permit a 9 ft. side yard and 24 ft. front yard in lieu of 10 ft. and 25 ft. (for existing residence), 16 ft. between buildings in lieu of 40 ft., an 8 ft. rear yard in lieu of 20 ft. (for garage), a gravel surface in lieu of durable-dustless, a 3.5 ft. parking space to street R/W setback in lieu of 10 ft. and an insufficient back-up area in lieu of sufficient for off-street parking.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Wang and Kuen Oh
Jeffrey S. Chernow, Esq.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing, Special Exception and Zoning Variance
 Case number: 91-36-SP/EX
 E/S Annapolis Road, 102 S. 401 of Michigan Avenue
 4107 Annapolis Road
 12th Election District
 1st Councilmanic District
 Petitioner(s): Wing and Kuan Oh
 Hearing Date: Tuesday, Sept. 18, 1990 at 11:00 a.m.

Special Hearing: Amending the existing Special Exception in Case 7200-A. **Special Exception:** A service garage. **Variance:** 10 permit a 9 ft. side yard and 24 ft. front yard in lieu of 10 ft. and 20 ft. (for existing rear setback), 16 ft. between buildings in lieu of 40 ft., and 8 ft. rear yard in lieu of 20 ft. (for garage), a great outdoor area in lieu of double driveway, a 3.5 ft. parking space to street RW setback in lieu of 10 ft. and an insufficient back-up area in lieu of sufficient for off-street parking.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office on the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 ARBU/9/286 Aug. 23

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing, Special Exception and Zoning Variance
 Case number: 91-36-SP/EX
 E/S Annapolis Road, 190 S. 41 of Michigan Avenue
 4107 Annapolis Road
 12th Election District
 1st Councilmanic District
 Petitioner(s): Wing and Kuan Oh
 Hearing Date: Tuesday, Sept. 18, 1990 at 11:00 a.m.

Special Hearing: Amending the existing Special Exception in Case 7200-A. **Special Exception:** A service garage. **Variance:** 10 permit a 9 ft. side yard and 24 ft. front yard in lieu of 10 ft. and 20 ft. (for existing rear setback), 16 ft. between buildings in lieu of 40 ft., and 8 ft. rear yard in lieu of 20 ft. (for garage), a great outdoor area in lieu of double driveway, a 3.5 ft. parking space to street RW setback in lieu of 10 ft. and an insufficient back-up area in lieu of sufficient for off-street parking.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office on the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 ARBU/9/286 Aug. 23

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/22, 1990.

ARBUTUS TIMES

S. Zebe Orlem

Publisher

\$ 89.52

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/24, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/22, 1990.

THE JEFFERSONIAN,

S. Zebe Orlem

Publisher

\$ 89.52

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 11, 1990

Jeffrey S. Chernow, Esquire
6 Park Center Court, Suite 100
Owings Mills, MD 21117

Dennis F. Rasmussen
County Executive

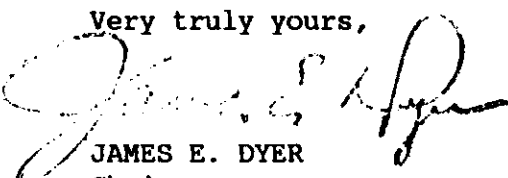
RE: Item No. 451, Case No. 91-30-SPHXA
Petitioner: Wang Oh, et ux
Petition for Special Hearing, Special Exception
and Variance

Dear Mr. Chernow:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Wang Oh
4107 Annapolis Road
Baltimore, MD 21227

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Wang and Kuen Oh
4107 Annapolis Road
Baltimore, Maryland 21227

DATE 8/30/90

Re: Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 91-30-SFMA
E/S Annapolis Road, 150' S of c/l of Michigan Avenue
4107 Annapolis Road
13th Election District - 1st Councilmanic
Petitioner(s): Wang and Kuen Oh
HEARING: TUESDAY, SEPTEMBER 18, 1990 at 11:00 a.m.

Dennis F. Hasonmosen
County Executive

Dear Petitioners:

Please be advised that \$164.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. YOU MUST REMOVE THE SIGN AND POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.


Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: Jeffrey S. Chernow, Esq.

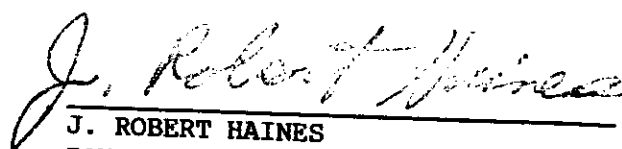
Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

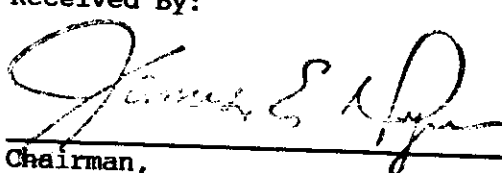
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
11th day of July, 1990.


J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Wang Oh, et ux
Petitioner's Attorney: Jeffrey S. Chernow



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

July 9, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Baltimore Highlands
Wang Oh and Kuen Oh Property
Zoning meeting 7/10/90
E/S Annapolis Road
MD 648
150' south of Michigan Avenue
Item # 451

Dear Mr. Haines:

After reviewing the submittal for a special exception for a service garage, we offer the following:

The existing entrances into this property must clearly be defined on this plan. Also, concrete curb must be constructed between the existing entrances on or behind the right-of-way line along Annapolis Road to prevent vehicles from travelling across the sidewalk.

This work must be completed under a State Highway Administration access permit issued by our office.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB/es

cc: Kidde Consultants Inc.
Mr. J. Ogle

333-1350

My telephone number is (301) _____

Teletypewriter for Impaired Hearing of Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: July 30, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Wang Oh, Item No. 451

The Petitioner requests a Variance for several setback requirements; a Special Hearing to amend the existing special exception in Case No. 73-20; and a service garage.

In reference to the Petitioner's request, staff offers the following comment:

- Should the Petitioner's request be granted, staff recommends that a landscape plan be filed with the Baltimore County landscape planner prior to the issuance or any building permits.
- The proposed use will require a CRG or waiver of CRG.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM451/2AC1

AUG 2 1990

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: J. Robert Haines

FROM: Robert C. Merrey, Jr. *RCM*

DATE: July 11, 1990

SUBJECT: Comments on Zoning Advisory Committee Meeting, Item #451

RECEIVED
JUL 16 1990

ZONING OFFICE

Property Owner: Wang OH

Location: 4107 Annapolis Road, 21227

Existing Zoning: BL

Proposed Zoning: Special exemption for service garage - Special hearing to approve amendment to the existing special exemption.

Area: .311 acre

District: 13th election - 1st councilmanic

This office recommends approval of a stone paving surface in lieu of the required durable and dustless surface. All ingress-egress roads are to have the appropriate amount of stone (crusher-run) applied and maintained in addition to the parking areas.

All traffic and parking areas must be treated as stated in the Environment Article 26.11.06.04 D (2) in order to prevent particulate matter from becoming airborne.

No less than once a year, crusher-run is to be added to or replenished to insure existing stone surfaces are treated in accordance with control of airborne particulate regulations and policy.

tk

APPEAL

Petition for Special Hearing, Special Exception, & Variance
E/S Annapolis Road, 150 ft. S of c/l of Michigan Avenue
(4107 Annapolis Road)
13th Election District - 1st Councilmanic District
WANG AND KUEN OH - PETITIONERS
Case No. 91-30-SPIXA

Petitions for Special Hearing, Special Exception & Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat to accompany Petitions
2. Photographs of the garage

Protestant's Exhibits: 1. Photographs of Parking area

Zoning Commissioner's Order dated October 16, 1990

Notice of Appeal received from Jeffrey S. Chernow on November 7, 1990

cc: Jeffrey S. Chernow - Kandel, Frank & Chernow
McDonogh Crossroads, Suite 100
6 Park Center Court, Owings Mills, MD 21117

Wang and Kuen Oh - 4107 Annapolis Road, Baltimore, MD 21227

Rich Stevens - Greater Baltimore Highlands Community Association
2807 Maryland Avenue, Baltimore MD 21227

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastorowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

JULY 3, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WANG OH AND KUEN OH
Location: E/S ANNAPOLIS ROAD
Item No.: 451 Zoning Agenda: JULY 10, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Ch. Joseph Kelly* 7-10-90
Planning Group
Special Inspection Division

Noted and Approved: *John W. F. Brady*
Fire Prevention Bureau

JK/KER

JUL 10 1990

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

July 3, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES *C.E.B.*

SUBJECT: ZONING ITEM #: 451
PROPERTY OWNER: Wang Oh & Kuen Oh
LOCATION: E/S Annapolis Road, 150' S of centerline Michigan Avenue
ELECTION DISTRICT: 13th
COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

OTHER - Commercial Plans require a registered in MD architect or Engineers Seal and Signature on all plans when applying for a permit.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

JUL 5 1990

BALTIMORE COUNTY DEPARTMENT OF PLANNING AND ZONING
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204

RECEIVED
JUL 5 1990
Date: 6/28/90

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 451, Zoning Advisory Committee Meeting of July 10, 1990

Property Owner: Wang Oh and Kuen Oh

Location: E/S Annapolis Rd, 150' S of centerline Michigan Ave District: 13

Water Supply: Metro Sewage Disposal: Metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for new existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations for more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____, conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2162.

Others: *Drainage from any interior service bays is to be directed to sanitary sewer via oil separator.*

John W. F. Brady
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 14, 1990



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing, Special Exception and Variance
E/S Annapolis Road, 150 ft. S of c/l of Michigan Avenue
(4107 Annapolis Road)
13th Election District, 1st Councilmanic District
WANG AND KUEN OH - Petitioners
Case No. 91-30-SPIXA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 7, 1990 by Jeffrey S. Chernow, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Jeffrey S. Chernow - Kandel, Frank & Chernow
McDonogh Crossroads, Suite 100
6 Park Center Court, Owings Mills, MD 21117

Wang and Kuen Oh - 4107 Annapolis Road, Baltimore, MD 21227

Rich Stevens - Greater Baltimore Highlands Community Association
2807 Maryland Avenue, Baltimore MD 21227

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3353
December 18, 1990
NOTICE OF ASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(c). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-75.
CASE NO. 91-30-SPHXA WANG AND KUEN OH
E/S Annapolis Rd., 150' S of c/l of Michigan Ave. (4107 Annapolis Rd.)
13th Election District
1st Councilmanic District
SPH-Amend prior SE:
SE-Service parcels:
VAR-side yards, distance between bldgs., gravel surface, and parking
10/16/90 - Z.C.'s Order DENYING Petitions.
TO: WEDNESDAY, JUNE 26, 1991 at 10:00 a.m.
Jeffrey S. Chernow, Esquire Counsel for Petitioners/Appellants
Wang and Kuen Oh
Rich Stevens - Greater Baltimore Highlands Community Assoc.
People's Counsel for Baltimore County
David Fields
Pat Keller
Public Services
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
Ms. Florence B. Knott
LindaLee M. Kusmaul
Legal Secretary
P.C.
IN 2/18/91
out per Shirley Hess 1/26/91
out per Paula 1/2/91

RE: PETITION FOR SPECIAL EXCEPTION, * BEFORE THE COUNTY
SPECIAL HEARING & VARIANCE * BOARD OF APPEALS
E/S Annapolis Road, 150' S of *
C/L Michigan Ave. (4107 Annapolis *
Rd.), 13th Election District; * OF BALTIMORE COUNTY
1st Councilmanic District *
WANG AND KUEN OH, Petitioners * CASE NO. (91-30-SPHXA)
* * * * *
SUBPOENA
To: Derek Propolis
Zoning Inspector
Baltimore County Zoning Commissioner
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204
At the request of Wang Oh and Kuen Oh, Petitioners, by Jeffrey S. Chernow and Kandel, Frank & Chernow, their attorneys, you are commanded by the County Board of Appeals of Baltimore County to appear and testify at the following date, time and place:
Date: Wednesday, June 26, 1991
Time: 10:00 a.m.
Place: 111 West Chesapeake Avenue, Room 301
Towson, Maryland 21204
You are further commanded to bring with you to the hearing any and all files, notes, or other documents relating to the inspection and investigation concerning 4105 and 4107 Annapolis Road which are within your possession, custody control or the possession custody control of your agency.
MR. SHERIFF: Linda Kusmaul
County Board of Appeals of Baltimore County
Please serve the above Subpoena.
Date of Issuance: _____
Free \$15
SHERIFF OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION, : BEFORE THE COUNTY BOARD OF APPEALS
SPECIAL HEARING & VARIANCE :
E/S Annapolis Rd., 150' S of : OF BALTIMORE COUNTY
C/L Michigan Ave. (4107 Annapolis :
Rd.), 13th Election District; :
1st Councilmanic District :
WANG AND KUEN OH, Petitioners : CASE NO. 91-30-SPHXA
: : : : :
ENTRY OF APPEARANCE
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188
I HEREBY CERTIFY that on this 12th day of February, 1991, a copy of the foregoing Entry of Appearance was mailed to Jeffrey S. Chernow, Kandel, Frank & Chernow, McDonogh Crossroads, Suite 100, 6 Park Center Cr., Owings Mills, MD 21117, Attorney for Petitioner/Appellant; and Mr. Rich Stevens, President, Greater Baltimore Highlands Community Assn., 2807 Maryland Ave., Baltimore, MD 21227, Protestant.
Peter Max Zimmerman
Peter Max Zimmerman

12/18/90 - Following parties notified of hearing set for June 26, 1991 at 10:00 a.m.:
Jeffrey S. Chernow, Esquire
Wang and Kuen Oh
Rich Stevens
People's Counsel
F. David Fields
Arnold Jablon
Pat Keller
J. Robert Haines
Public Services
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
November 15, 1990
Mrs. Catherine C. Owings
3000 Vermont Avenue
Baltimore, Maryland 21227
RE: Petitions for Special Hearing, Special Exception & Zoning Variance
E/S Annapolis Road, 150' S of the c/l of Michigan Avenue
(4107 Annapolis Road)
13th Election District - 1st Councilmanic District
Wang and Kuen Oh - Petitioners
Case No. 91-30-SPHXA
Dear Ms. Owings:
In response to your letter dated November 3, 1990 regarding the above-captioned matter, the following comments are offered.
As you may be aware, the decision I made in this matter has been appealed to the Baltimore County Board of Appeals. As such, this matter is out of my jurisdiction. The decision now rests with the Board to determine whether or not the subject requests should be approved, and what restrictions, if any, should be imposed. Until such time as a decision is rendered by the Board, the Order issued by me in this matter is held in abeyance. Accordingly, I am forwarding a copy of your letter to the Board of Appeals for their review and consideration. It is suggested that you contact the Board at 887-3180 for further information concerning the appeal process and the scheduled date and time of the appeal hearing in the event you wish to attend.
As for the ongoing problems at the subject site, our inspector for the area, Derek Propolis, will continue to make periodic inspections of the site. However, please understand that while the matter is under appeal, we have limited authority on issues subject to the appeal.
In the meantime, if I can be of any further assistance to you in this matter, please do not hesitate to contact this office.
Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County
JRH:bjs
cc: Baltimore County Board of Appeals
Case File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
November 15, 1990
November 16, 1990
Ms. Florence B. Knott
2820 Manoff Road
Baltimore, Maryland 21227
RE: Petitions for Special Hearing, Special Exception & Zoning Variance
E/S Annapolis Road, 150' S of the c/l of Michigan Avenue
(4107 Annapolis Road)
13th Election District - 1st Councilmanic District
Wang and Kuen Oh - Petitioners
Case No. 91-30-SPHXA
Dear Ms. Knott:
In response to your letter dated November 8, 1990 regarding the above-captioned matter, the following comments are offered.
As you are aware, the decision I made in this matter has been appealed to the Baltimore County Board of Appeals. As such, this matter is out of my jurisdiction. The decision now rests with the Board to determine whether or not the subject requests should be approved, and what restrictions, if any, should be imposed. Until such time as a decision is rendered by the Board, the Order issued by me in this matter is held in abeyance. Accordingly, I am forwarding a copy of your letter to the Board of Appeals for their review and consideration. It is suggested that you contact the Board at 887-3180 for further information concerning the appeal process and the scheduled date and time of the appeal hearing in the event you wish to attend.
Regarding the issue you raised concerning the fence, I have asked Derek Propolis to make an inspection of the property to determine whether or not the fence has been erected in compliance with the zoning regulations and to investigate whether or not any permits have been issued for same. Upon completion of his investigation, Mr. Propolis will advise you in writing of his findings. As for the issue concerning access to the property by the English Consul Fire Department, a copy of your letter is being forwarded to Chief Paul Reincke for a reply.
In the meantime, if I can be of any further assistance to you in this matter, please do not hesitate to contact this office.
Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County
JRH:bjs
cc: Baltimore County Board of Appeals
Chief Paul Reincke, Baltimore County Fire Department
Case File

Florence B. Knott
2820 Manoff Road
Baltimore, MD 21227
November 8, 1990
The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning & Zoning
Towson, MD 21204
Re: Case No. 91-30-SPHXA
Dear Commissioner Haines:
In his letter of October 24, 1990 Mr. Chernow stated that I as a Protestant in Case No. 91-30-SPHXA, had preliminarily accepted the changes proposed by Mr. Oh and would consider withdrawing opposition to the Variance Petitions. This is an absolute misnomer on the part of Mr. Chernow.
After presenting the information to the Baltimore Highlands Community Association, the only affirmative response was from a neighbor of Mr. Oh. No one else expressed support of this Variance request.
I passed this property October 29, 1990 and saw six (6) compact cars parked in the space in front of 4107 Annapolis Road and several cars illegally parked against the fence at the Florist Shop. Another day I noticed a vehicle parked against the fence post at an angle extending to the curbing, space normally used for a sidewalk.
An eight foot fence with slats is excessively high and is an attempt on the part of Mr. Oh to "hide" what could be unacceptable use of his property, and a detriment to this community. As of November 6th there is now an 8 foot fence on the front of the property. Was this permit granted by Building and Zoning? Is there a height limitation for a fence in Baltimore County?
Another consideration requested is the ruling of the Fire Board. How would the English Consul Fire Department gain access in case of fire? The residence would be completely surrounded with vehicles and a locked gate. It is assumed that there are various chemicals stored for vehicle repairs?
Thank you for denying this variance. I hope you also deny the appeal. An operation the size this property owner seems to be contemplating would require a much larger commercial property than 4705-4707 Annapolis Road will provide.
The resurfacing of Annapolis Road and new side-walks with curbs have greatly improved this old neighborhood. The Southwest Area Park and future Lite Rail Station will increase the desirability of living in this active community. Most of the commercial businesses are improving their properties; only a few new owners are becoming a detriment and inconsiderate of the community at large.
Thank you for considering the questions contained in this request.
Florence B. Knott

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
November 15, 1990
Ms. Florence B. Knott
2820 Manoff Road
Baltimore, Maryland 21227
RE: Petitions for Special Hearing, Special Exception & Zoning Variance
E/S Annapolis Road, 150' S of the c/l of Michigan Avenue
(4107 Annapolis Road)
13th Election District - 1st Councilmanic District
Wang and Kuen Oh - Petitioners
Case No. 91-30-SPHXA
Dear Ms. Knott:
In response to your letter dated November 8, 1990 regarding the above-captioned matter, the following comments are offered.
As you are aware, the decision I made in this matter has been appealed to the Baltimore County Board of Appeals. As such, this matter is out of my jurisdiction. The decision now rests with the Board to determine whether or not the subject requests should be approved, and what restrictions, if any, should be imposed. Until such time as a decision is rendered by the Board, the Order issued by me in this matter is held in abeyance. Accordingly, I am forwarding a copy of your letter to the Board of Appeals for their review and consideration. It is suggested that you contact the Board at 887-3180 for further information concerning the appeal process and the scheduled date and time of the appeal hearing in the event you wish to attend.
Regarding the issue you raised concerning the fence, I have asked Derek Propolis to make an inspection of the property to determine whether or not the fence has been erected in compliance with the zoning regulations and to investigate whether or not any permits have been issued for same. Upon completion of his investigation, Mr. Propolis will advise you in writing of his findings. As for the issue concerning access to the property by the English Consul Fire Department, a copy of your letter is being forwarded to Chief Paul Reincke for a reply.
In the meantime, if I can be of any further assistance to you in this matter, please do not hesitate to contact this office.
Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County
JRH:bjs
cc: Baltimore County Board of Appeals
Chief Paul Reincke, Baltimore County Fire Department
Case File

SEPT. 18 91-30-SPHXA
Maryland Department of Transportation
State Highway Administration
Richard H. Trainor
Secretary
Hal Kassoff
Administrator
September 14, 1990
Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Re: Baltimore County
Baltimore Highlands
Wang Oh and Kuen Oh
Property
Zoning Meeting of 7-10-90
E/S Annapolis Road
MD 648
150' South of Michigan
Avenue
Item #461
Dear Mr. Haines:
This is a follow up to our July 9th letter in which we stated all work must be completed under a State Highway Administration access permit.
We are revising this letter to state that if this concrete curb is constructed outside the right-of-way line, a State Highway Administration access permit will not be required.
If we can be of further assistance, please contact Larry Brocato at (301) 333-1350.
Very truly yours,
John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division
LB:maw
cc: Kidde Consultants, Inc.
Mr. J. Ogil
SEP 18 1990
ZONING OFFICE
My telephone number is (301) 333-1350 (Fax #333-1041)
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5012 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

LAW OFFICES OF
KANDEL, FRANK & CHERNOW
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
MCDONOUGH CROSSROADS
SUITE 100
6 PARK CENTER COURT
OWINGS MILLS, MARYLAND 21117
(301) 581-1400
TELECOPIER: (301) 581-1404

June 10, 1991

County Board of Appeals
of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-30-SPHXA
Petitioners: Wang and Kuen Oh
Property: 4105-4107 Annapolis Road

Dear Sirs:

Enclosed please find Additional Notes and Conditions to Revised Plat of 4105 and 4107 Annapolis Road.

Please do not hesitate to contact me should you have any questions or need any further information.

Thank you for your cooperation in this matter.

Sincerely,
Jeffrey S. Chernow
Jeffrey S. Chernow

JSC:ceh
Enclosure
cc: Mrs. Florence Knoth
Mrs. Catherine Owings
Mr. Rich Stevens
Peter Max Zimmerman, Esquire
Mr. Wang Se Oh

LAW OFFICES OF
KANDEL, FRANK & CHERNOW
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
MCDONOUGH CROSSROADS
SUITE 100
6 PARK CENTER COURT
OWINGS MILLS, MARYLAND 21117
(301) 581-1400
TELECOPIER: (301) 581-1404

June 10, 1991

County Board of Appeals of
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exemption,
Special Hearing & Variance
Petitioners: Wang Oh and Kuen Oh

Enclosed please find a Request for Subpoena and Subpoena to be served by the Sheriff upon Inspector Derek Propolis.

Thank you for your cooperation in this matter.

Please do not hesitate to contact me if you have any questions or if there are any problems with serving Inspector Propolis.

Sincerely,
Jeffrey S. Chernow
Jeffrey S. Chernow

JSC:ceh

RE: PETITION FOR SPECIAL EXCEPTION,
SPECIAL HEARING & VARIANCE
E/S Annapolis Road, 150'S of
C/L Michigan Ave. (4107 Annapolis
Rd.), 13th Election District;
1st Councilmanic District
WANG AND KUEN OH, Petitioners
CASE NO. 91-30-SPHXA

REQUEST FOR SUBPOENA

Wang Oh and Kuen Oh, Petitioners, by Jeffrey S. Chernow and Kandel, Frank & Chernow, their attorneys, request the issuance of a subpoena in the form attached to this request.

Respectfully submitted,

Jeffrey S. Chernow
Jeffrey S. Chernow

Kandel, Frank & Chernow
6 Park Center Court, Suite 100
Owings Mills, Maryland 21117
(301) 581-1400

Attorneys for Petitioners

3000 Vermont Avenue
Baltimore, Maryland 21227

November 3, 1990

J. Robert Haines
Zoning Commissioner
Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

Re: Petitions for Special Exception, Special Hearing and zoning
Variance
Wang and Kuen Oh, Petitioners
Case #91-30-SPHXA

Dear Mr. Haines:

Congratulations on your decision concerning 4107 Annapolis Road in the 1st Councilmanic District. At the meeting I attended at Mr. Wang Oh's business establishment on October 2, 1990, I was tempted to withdraw my complaint because Mr. Oh and Jeffrey Chernow, his attorney made so many promises to me and the community association that I was swayed. Since that meeting Mr. Oh has not kept one promise. He continues to allow his business to spill over onto adjoining businesses and county streets. His property cannot accommodate all of the automobiles he stores there. He must remove them from his property every day in order to get to his garage to have room to bring in the automobiles that are actually being repaired.

Mr. Oh came to visit me at my home on Friday, November 2, 1990, to request I write to you allowing the special exception that he requested. I believe this person and his business ventures are going to be an on going problem for our neighborhood.

After evaluating these concerns, I personally think it would be beneficial to all concerned if the special exception and variance were extended with strict guidelines and requirements for fencing, ect. of Mr. Oh's property.

I remain,

Sincerely,

Mrs. Catherine C. Owings
Mrs. Catherine C. Owings

CCO/dmvr

cc: Jeffery Chernow, Esquire
Derrick Propolis

LAW OFFICES OF
KANDEL, FRANK & CHERNOW
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
MCDONOUGH CROSSROADS
SUITE 100
6 PARK CENTER COURT
OWINGS MILLS, MARYLAND 21117
(301) 581-1400
TELECOPIER: (301) 581-1404

November 15, 1990

The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Attention: Julie

RE: Appeal of Decision
Case No. 91-30-SPHXA

Dear Julie:

Pursuant to your telephone conversation with my secretary, Brenda Green, I have enclosed herewith a check in the amount of \$450.00 to cover the appeal and sign costs relative to the above-captioned Appeal. It is my understanding that, upon your receipt of this letter, you will return to me the \$500.00 check that was previously submitted relative to this matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Jeffrey S. Chernow
Jeffrey S. Chernow

cc: Mr. Wang Oh
Enclosure
JSC:bbg

LAW OFFICES OF
KANDEL, FRANK & CHERNOW
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
MCDONOUGH CROSSROADS
SUITE 100
6 PARK CENTER COURT
OWINGS MILLS, MARYLAND 21117
(301) 581-1400
TELECOPIER: (301) 581-1404

November 7, 1990

The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Appeal of Decision
Case No. 91-30-SPHXA

Dear Commissioner Haines:

As you know, I represent Wang Oh and Kuen Oh, the Petitioners in the above-referenced matter.

On my clients behalf, please enter an Appeal with regard to your decision in that case.

Enclosed herewith, please find a check in the amount of Five Hundred (\$500.00) Dollars to cover the appeal and sign costs.

Thank you for your cooperation in this matter.

Very truly yours,

Jeffrey S. Chernow
Jeffrey S. Chernow

cc: Mr. Wang Oh
Mr. Howard Wade

Enclosure
JSC:bbg

LAW OFFICES OF
KANDEL, FRANK & CHERNOW
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
MCDONOUGH CROSSROADS
SUITE 100
6 PARK CENTER COURT
OWINGS MILLS, MARYLAND 21117
(301) 581-1400
TELECOPIER: (301) 581-1404

October 11, 1990

Mrs. Novak
Baltimore County Zoning Commissioners Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Wang and Kuen Oh
4107 Annapolis Road
Case No.: 91-30-SPHXA

Dear Mrs. Novak:

As per your request, enclosed please find a photocopy of the paid receipt for the above captioned matter.

Please do not hesitate to contact me if you need any further information.

Very truly yours,

Jeffrey S. Chernow
Jeffrey S. Chernow

Enclosure
JSC:kls

KIDDE CONSULTANTS, INC.

1020 Cromwell Bridge Road
Baltimore, Maryland 21204
(301) 321-5500
Direct Dial Number
321-5557

September 18, 1990

Mr. Jeffrey S. Chernow, Esquire
6 Park Center Court
Suite 100
Owings Mills, Maryland 21117

Subject: 4105-4107 Annapolis Road
KCI Job No.: 01-90063

Dear Mr. Chernow:

In response to your request to attend the zoning hearing for Variances and Special Exception, I apologize for not being able to attend because of a previous commitment. Were I to attend, I would offer the following comments on behalf of the petitioner.

State Highway Administration Comments: The State Highway Administration Department of Access Permits has responded on July 9th and September 14, 1990 to the Zoning Commissioner on this site. The July 9th letter indicated the petitioner was to construct curb along Annapolis Road to better define the existing entrances. Also an interior curb was requested on or behind the right-of-way line of Annapolis Road to keep cars from travelling across the sidewalk.

The letter of September 14th revised the July 9th letter and said that a State Access Permit would not be required as long as the interior curb was behind the right-of-way line. A field inspection made by the writer on September 17, 1990 at 2:00 p.m. found the following had occurred.

1. The State Highway Administration is currently widening Annapolis Road and has placed new curbing from the City/County line to south a point approximately 1/4 mile past the subject property.

Mr. Jeffrey S. Chernow, Esquire
4105-4107 Annapolis Road
September 18, 1990
Page 2

2. In front of the subject property the contractor for the State has removed the old curb and sidewalk and has just finished the placement of a new depressed curb that provides a 30' entrance in front of Number 4107 Annapolis Road and approximately a 60' entrance in front of Number 4105 Annapolis Road.
3. Today, the contractor paved for the most part the full frontage of both properties to a depth of approximately 10 feet behind the right-of-way line of the road.
4. The sidewalk in front of the subject property was not replaced.

Therefore, in light of the "new" improvements that have just been completed by the State in front of the subject property I feel that an interior curb would be a greater hazard to traffic entering and leaving the site than by not having it.

Furthermore, the petitioner would then have to remove a portion of the improvements the State just made and paid to have done.

I would also add that directly opposite the site in front of a group of businesses the State left a driveway opening of approximately 100 feet long.

Office of Planning Comments: At this time the petitioner does not intend (from my understanding) to make any improvements to the site that would require a building permit. Therefore a landscape plan is not required.

As there are no improvements intended, no change of occupancy intended or change of existing uses intended I don't believe a CRG Plan or CRG Waiver require are needed. A waiver of CRG Plan or a CRG Plan and meeting would be required if a major change was made to the site.

Office of Permits & Licenses: The comments from this agency are

Mr. Jeffrey S. Chernow, Esquire
4105-4107 Annapolis Road
September 18, 1990
Page 3

advisory and would apply if a building permit or alteration permit were to be filed. Neither is intended at this time to my knowledge.

Office of Environmental Protection: There were two departments within this agency which have responded to the Commissioners Request for comments. Both deal with spray painting and particulate matter becoming air borne. The petitioner will have to address this item.

As to the request for a stone paving surface, a portion of the site is now in gravel and broken concrete paving which allows water to seep into the soil on site.

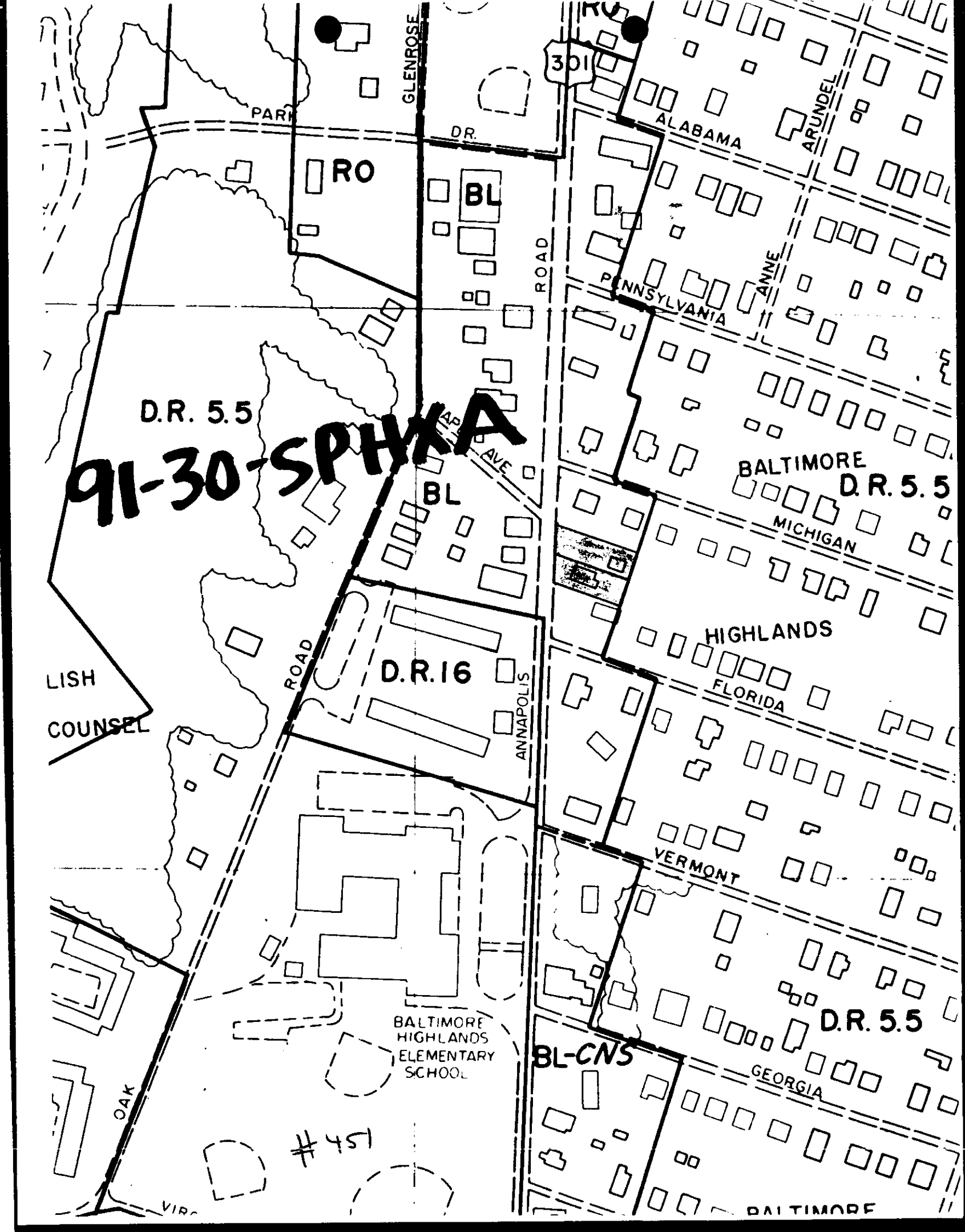
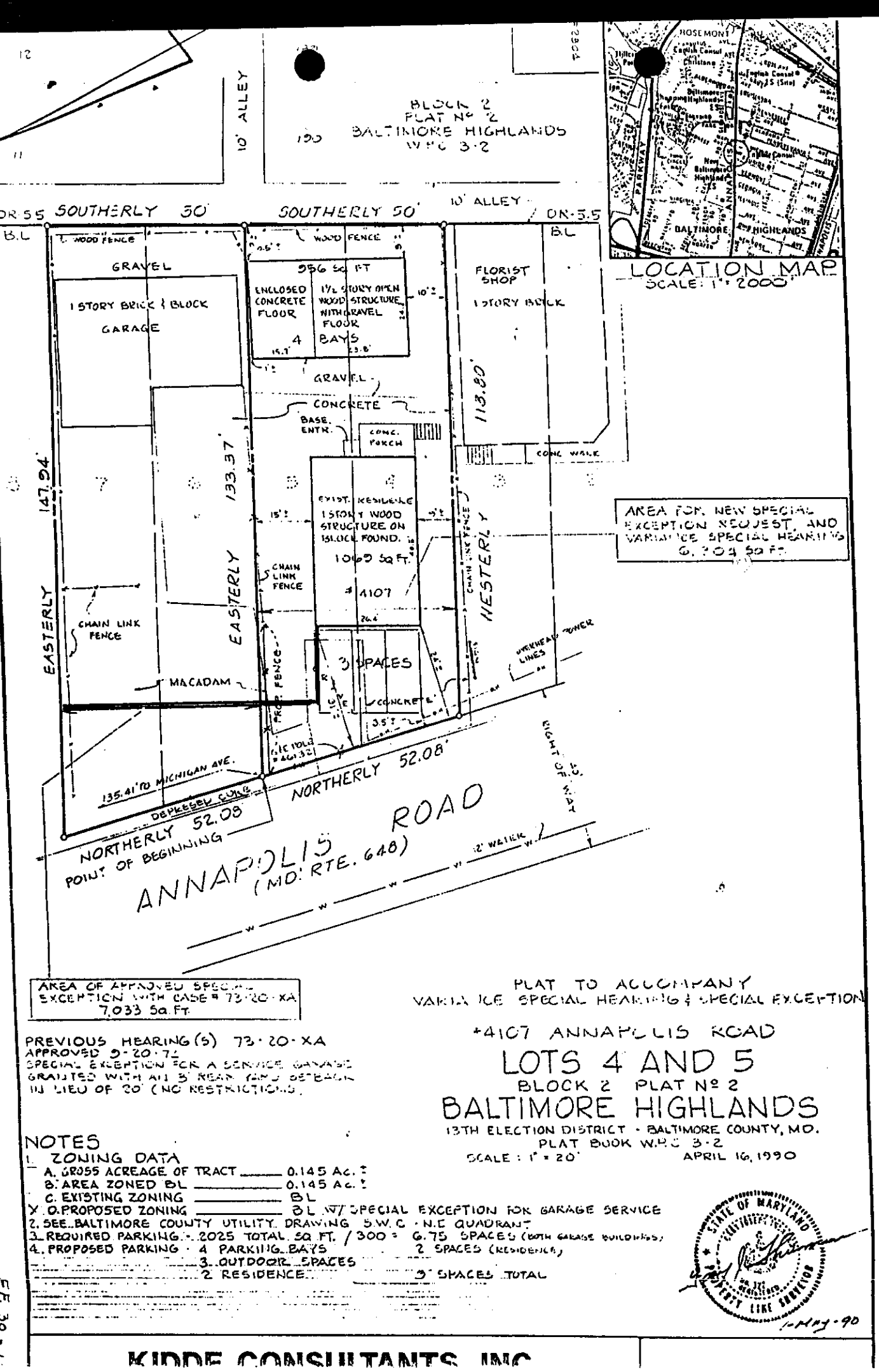
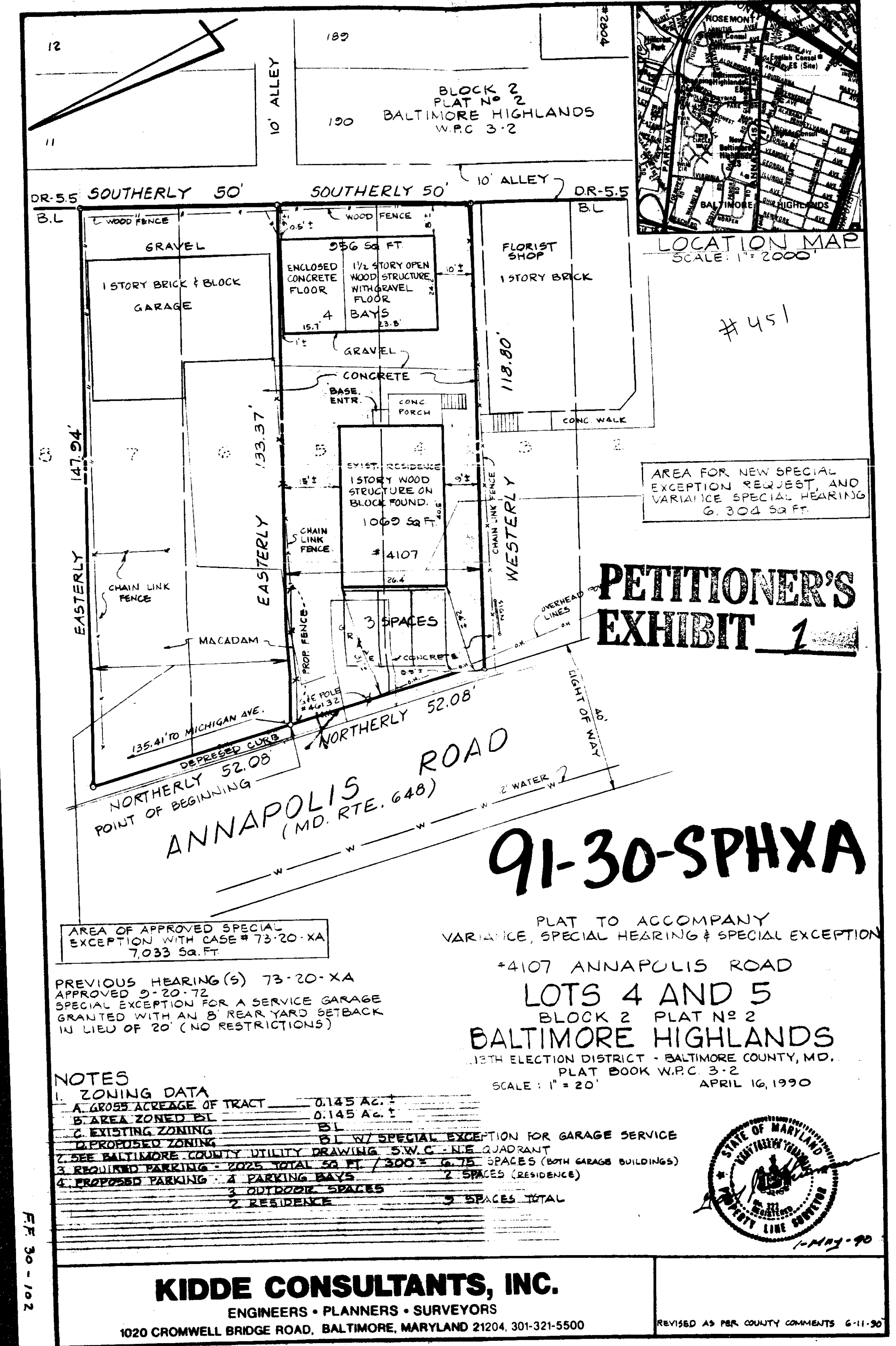
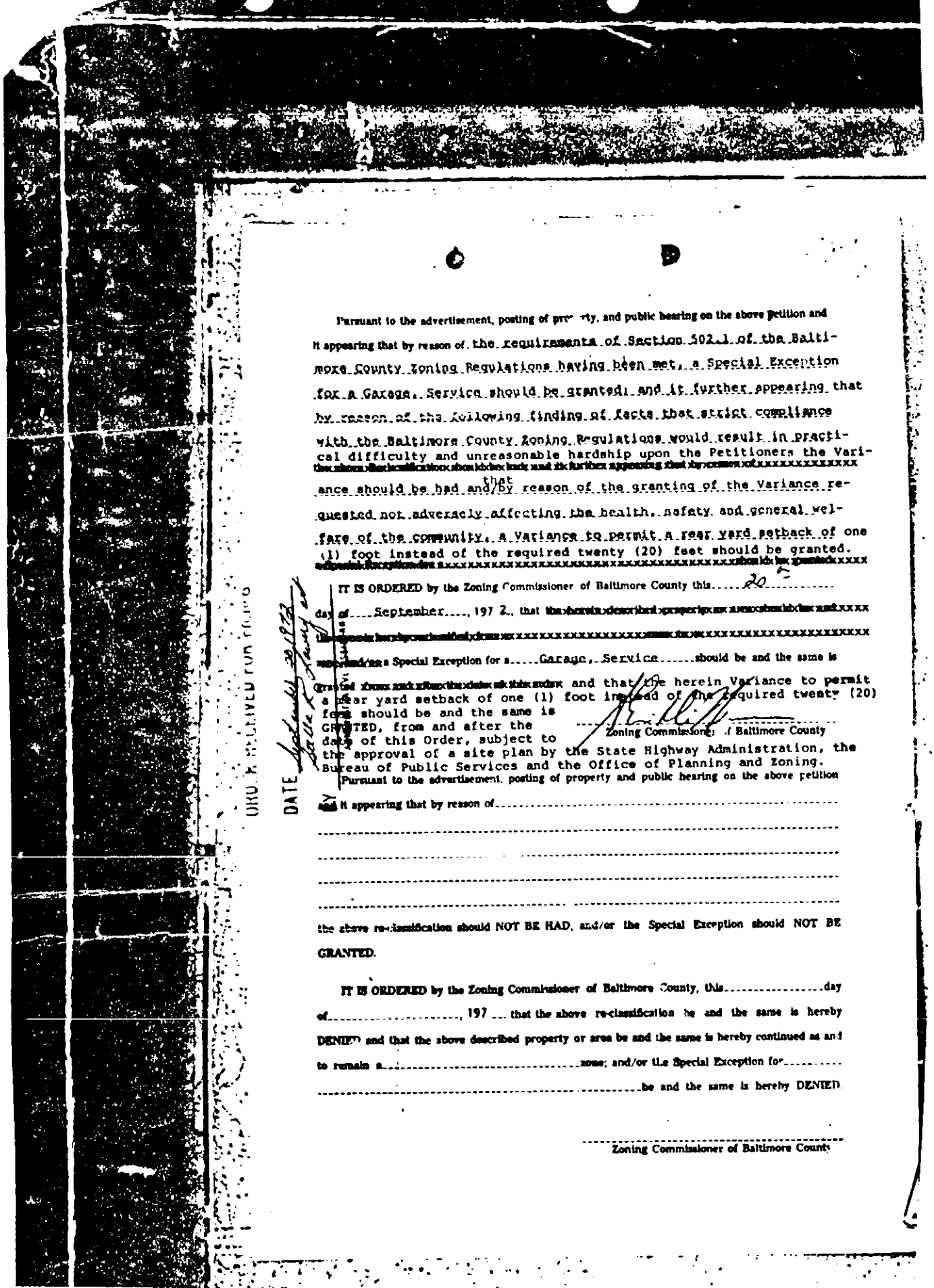
The petitioner does not do engine work, lubrication work or engine work and does not have drainage to my knowledge from the existing garage.

If you need any further explanation, I should be in my office after 1:30 p.m. on September 18, 1990.

Very truly yours,

Richard L. Smith
Senior Associate

dln



91-30-SPHXA

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
William Owens	3006 Vermont Ave. Balto. Md. 212-27
Theresa R. Smith	2320 Myrtle Rd. Baltimore 21227
Representing: Rick Stevens	2320 Myrtle Rd. Baltimore 21227
Charles P. Owens	3006 Vermont Ave. Balto. Md. 212-27

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Town, Maryland 91-30-SPHXA

District 12 Date of Posting 11-24-90

Posted for: Appeal

Petitioner: Wang & Kuen, Inc.

Location of property: E.S. of Annapolis Road, 1/2 mi. south of the intersection of Michigan Avenue

Location of Sign: East side of Annapolis Road approx 1/2 mi. south of the intersection of Michigan Avenue

Remarks:

Posted by: J. J. Smith Date of return: 11-30-90

Number of Signs: 7

